

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

DECLAN PATRICK KELLY ET AL.

NL 021500

Confirmation No. 2403

Serial No. 10/540,706

Group Art Unit: 2439

Filed: JUNE 24, 2005

Examiner: LAFORGIA, C.A.

Title: USER ACCESS CONTROL TO A SERVER CONTENT FROM AN
INFORMATION CARRIER PLAYER

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on September 25,
2009, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on August 24, 2009 which is incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answer of September 25, 2009.

At the outset, Appellants gratefully acknowledge the correction noted on page 2, item (6) correcting the Serial No. to 10/540,706.

Further, in the Response to Argument section on page 7 of the Examiner's Answer of September 25, 2009, the last 5 lines recite that because "Server addresses correspond for example to Website addresses or to FTP addresses," is recited on page 6, line 12, "[t]herefore, the prior art's disclosure of white and black lists to control access to web pages or sites meets the limitation "associating a list of server addresses with said parental control levels," as recited in independent claim 1.

It is respectfully submitted that the logic used to reach this conclusion is flawed. The statement on page 6, line 12 of the specification that "[s]erver addresses correspond for example to

Website addresses or to FTP addresses," is not even relevant to any association, let alone association with "parental control levels," as recited in independent claim 1.

In addition, the disclosure in column 38, lines 22-44 of U.S. Patent No. 7,305,624 to (Siegel), referred to on page 8 of the Examiner's Answer, merely discloses white lists and black lists, and specifically refers to the drawbacks of having such lists, namely, that "inappropriate sites are continuously being deployed," and thus such newly deployed inappropriate sites are not on the black lists; and for white lists, there is "an exhaustive amount of material on the Web which is of interest or use to a child, but not contained within sites on the approved [or the white] list" (Siegel, column 38, lines 36-41)

Such a disclosure of black and white lists does not even disclose or suggest "associating a list of server addresses." Assuming, arguendo, that having black and white lists somehow discloses or suggests an association of list of server addresses, any such association is related to either approved or disapproved sites. There is still no disclosure or suggestion of "associating a list of server addresses with said parental control levels," as

recited in independent claim 1. (Illustrative emphasis provided)
Associating a list with levels is nowhere disclosed or suggested
Siegel.

Further, "restricting the user access to the server addresses
in said list having parental control level lower than or equal to
said current parental control level," as further recited in
independent claim 1, is nowhere disclosed or suggested in Siegel.
Rather, the black and white lists are merely lists of blocked and
allowed sites.

In addition, two comparisons steps, as recited in independent
claim 5, including first comparing a current parental control level
with a preset parental control level associated with an information
carrier, and also comparing the current parental control level and
the highest parental control level of the set of parental control
levels are nowhere disclosed or suggested in U.S. Patent No.
6,385,388 (Lewis) and Siegel, alone or in combination.

In view of the above, it is respectfully submitted that
independent claims 1 and 5 are allowable, and allowance thereof is
respectfully requested. In addition, it is respectfully submitted
that claims 2-3 are also allowable at least based on their

dependence from independent claim 1.


In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-3 and 5 are patentable over Lewis and Siegel.

Thus, the Examiner's rejections of claims 1-3 and 5 should be reversed.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
November 23, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101